REMARKS

This responds to the Office Action mailed on August 4, 2008. Claims 1, 3, 9, 12, and 16 are amended, as a result, claims 1-22 are now pending in this application. Support for amended claims 1, 3, 9, 12 and 16 is found, *inter alia*, in original claim 9, and FIG. 1.

§112 Rejection of the Claims

Claim 3 was rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Per Examiner's request, claim 3 has been amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. Applicants believe that claim 3, as amended, is now in a condition for allowance.

§102 Rejection of the Claims

Claims 1, 6, 16, and 20-21 were rejected under 35 U.S.C. § 102(e) for anticipation by Grantges, Jr., et al. (hereinafter "Grantges") (U.S. Patent No. 6,510,464). Applicants respectfully traverse. MPEP §2131.01 requires:

> that all the claim limitations and elements therein be anticipated for a rejection under 35 U.S.C. § 102(e)("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).').

In short, the MPEP requires that a rejection under 35 U.S.C. § 102(e) be based upon the cited reference covering all limitations of a claim.

> With respect to claim 1, the Examiner cites Grantges which teaches a:

> Firewall system 32. . . configured to examine all messages destined for, or existing from, the private, secure network, and to block, those that do not meet predetermined security criteria[1]

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[1] *See* Office Action dated, August 4, 2008 (hereinafter "Office Action"), pg. 3.

In contrast, amended claim 1 recites, in part, "configuring a first control unit, inside a first firewall, <u>the first control unit separate from the first firewall and used</u> to control the network."[2] As a threshold matter, amended claim 1 states a first control unit and a first firewall as distinct devices. Further, the first control unit of claim 1 controls a network, whereas the Firewall system 32 of examines messages for a network. The Firewall system 32 of Grantges is a firewall,[3] and does not control a network.[4] This limitation of amended claim 1 is not anticipated by Grantges.

Additionally with respect to amended claim 1, the Examiner cites Grantges that teaches a:

Proxy server 34. . . disposed on the insecure public network side of a firewall system 32, in a so-called Demilitarized Zone (DMZ). A DMZ is located between the insecure. . . [5]

By contrast, amended claim 1 recites a limitation that includes "configuring a proxy server outside the first firewall." The above cited portion of Grantges is silent as to "configuring a proxy server outside the first firewall." This limitation of amended claim 1 is not anticipated by Grantges.

As articulated above, Grantges is silent as to all the limitations of amended claim 1. Accordingly, Applicants submits that amended claim 1 is allowable. As claim 6 is depends directly upon amended claim 1, claim 6 is also allowable.[6]

As to claim 16, Applicants amend so as to clarify the language of claim 16. Grantges teaches a "DMZ proxy server 34 is still further configured to perform a first level authentication of the user client computer 22."[7] In contrast, amended claim 16 states:

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[2] *See* Application as filed FIG. 1 (illustrating the first control unit and the firewall as being separate.).
[3] *See e.g.*, FIG. 1 of Grantges referencing the Firewall System 32 as a "Firewall." As taught in Grantges, a firewall is functionally distinct from a first control unit that controls a network.
[4] MPEP 2111 requires that "During patent examination, the pending claims must be 'given their broadest reasonable interpretation *consistent with the specification.*'" (emphasis added) Applicants respectfully submit that to interpret a firewall as controlling a network is not reasonable within the meaning of MPEP 2111.
[5] Office Action, pg. 3 (emphasis added).
[6] Given the dependency of claim 6 on claim 1, if claim 1 is not anticipated by Grantges, then claim 6 is also not anticipated by Grantges.

a proxy server coupled to the first console, the proxy server configured to pool the at least one request, and to provide access from at least one console to the first control unit <u>and to aggregate and store performance data provided by the first control unit</u>, the proxy server being implemented within a De-Militarized Zone (DMZ) between a protected network and the unprotected public network;

Grantges is silent as to "a proxy server coupled to the first console . . . . <u>to aggregate and store performance data provided by the first control unit.</u>" This limitation of amended claim 16 is not anticipated by Grantges.

As articulated above, Grantges is silent as to all the limitations of amended claim 16. Accordingly, Applicants submits that amended claim 16 is allowable. As claims 20 is depends directly upon claim 16, claim 20 is also allowable.

As to claim 21, Applicants respectfully traverse. Grantges teaches, *inter alia*[8]:

Computer system 20 is configured generally to provide access by user 18 of a client computer 22 to one of a plurality of software applications 24.sub.1, 24.sub.2, . . . 24.sub.3. Such access is over an insecure network 26, such as the publicly used Internet, to a private, secure network where applications 24.sub.1, 24.sub.2, . . . 24.sub.3 reside.[9]

By comparison, claim 21 recites:

adding the request object to a pool; and
notifying a control unit of the request object.

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[7] Grantges, col. 6, lines 12-13. *See generally*, Office Action, pg. 10 ("the proxy server to aggregate and store performance data provided by the first control unit (col. 6, lines 12-35.).").

[8] See Office Action, pg. 5 (citing generally Grantges, col. 4, lines 1-20, col. 5, lines 40 to col. 6, lines 67.). *See generally*, 37 CFR § 1.104 ("Nature of examination: In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. *The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.*") (emphasis added) Despite the requirements of 37 CFR § 1.104, in the present Office Action the Examiner does not explain the pertinence of the cited reference. As such, the rejection of claim 21 is conclusory.

[9] Grantges, col. 4, lines 7-9.

Grantges is silent as to these limitations of claim 21. Accordingly, claim 21 is not anticipated by Grantges.

§103 Rejection of the Claims

Claims 2-5, 7-11 and 17-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grantges in view of Xu et al. (hereinafter Xu) (U.S. Patent No. 7,257,837). Applicants respectfully traverse. MPEP 2141 states:

> Obviousness is a question of law based on underlying factual inquiries. The factual inquiries enunciated. . . include:
> (A) Ascertaining the differences between the claimed invention and the prior art.

Specifically, "The gap between the prior art and the claimed invention may not be 'so great as to render the [claim] nonobvious to one reasonably skilled in the art.'" [10] Here, contrary to the Examiner's assertion regarding obviousness, Grantges does not "disclose a communication method as in amended claim 1,"[11] for Grantges does not anticipate all of the limitations of amended claim 1.[12] The addition of Xu does not cure this short coming of Grantges.[13] Accordingly, a difference exists between claim 1 and the combination of Grantges and Xu.

As articulated above, the combination of Grantges and Xu does not render obvious claim 1. Accordingly, Applicants submits that amended claim 1 is allowable. As claims 2-5, and 7-8 depend directly or indirectly upon amended claim 1, claim 2-5 and 7-8 are also allowable.[14]

With respect to the rejection of amended claim 9, Applicants respectfully traverse. Grantges teaches that:

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[10] MPEP 2141, § III.
[11] See Office Action, pg. 6.
[12] See supra, pg. 9.
[13] Office Action, pgs. 6-7 (as according to the Examiner Xu, "discloses a firewall penetration system for real time media communications, which further discloses that the method further comprising configuring a second control unit inside a second firewall, the proxy server being outside the second firewall").
[14] See generally MPEP 2143.03 (If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

DMZ proxy server 34, in this embodiment, does not compare the particulars of the X.509 digital certificate with the information of file for authentication. This is because the information required to conduct such a *comparison is safely stored behind a firewall system 32 on authorization server 46* on the private network.[15]

By contrast, amended claim 9 includes a limitation that states:

a proxy server located outside the first fire wall and implemented within a De-Militarized Zone (DMZ) between the first enterprise network and the public network, the first control unit being configured with proxy server information, the proxy server being configured with first control unit information, the first control unit being further configured to send a first access key to the proxy server, the first control unit and the proxy server configured to establish a communication session based on the first access key, *the proxy server to aggregate and store performance data provided by the first control unit.*[16]

Grantges is silent as to the proxy server aggregating and storing performance data. The addition of Xu does not address the silence of Grantges as Xu teaches "a firewall penetration system for real time media communications, which further discloses that the first control unit being configured with proxy server information, the proxy server being configured with first control unit information, the first control unit being further configured to send a first access key to the proxy server."[17]

As articulated above, the combination of Grantges and Xu does not render obvious amended claim 9. Accordingly, Applicants submits that amended claim 9 is allowable. As claims 10-11 depend directly or indirectly upon amended claim 9, claims 10-11 are also allowable.

As to amended claim 16, Applicants amend so as to clarify the claim language. As argued above with respect to amended claim 9, Grantges is silent as to the proxy server aggregating and storing performance data. Amended claim 16 includes a limitation that states:

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[15] Grantges, col. 6, lines 17-24 (emphasis added).
[16] Emphasis added.
[17] Office Action, pg. 10.

> a proxy server coupled to the first console, the proxy server configured to pool the at least
> one request, and to provide access from at least one console to the first control unit <u>and to
> aggregate and store performance data provided by the first control unit</u>, the proxy server
> being implemented within a De-Militarized Zone (DMZ) between a protected network
> and the unprotected public network;

Further, as reasoned above[18] with respect to amended claim 9, the addition of Xu does not

address the silence of Grantges. Accordingly, amended claim 16 is not rendered obvious by the

combination of Grantges and Xu.

As articulated above, the combination of Grantges and Xu does not render obvious

amended claim 16. Accordingly, Applicants submit that amended claim 16 is allowable. As

claims 17-18 depend directly upon amended claim 16, claims 17-18 are also allowable.

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over

Grantges in view of Beurket et al. (hereinafter Beurket) (U.S. Patent No. 6,360,273). Applicants

amend so as to clarify the claim language. As stated above with respect to amended claim 9,[19]

Grantges is silent as to the proxy server aggregating and storing performance data. The addition

of Beurket does not address this silence as according to the Examiner, Beurket teaches:

> a system for collaborative transformation, which further discloses that proxy server that
> includes at least one of a client request handler, a shared request object pool, or a server
> request handler (Fig. 2, item 230).[20]

By contrast, amended claim 12 recites:

> a proxy server, <u>to aggregate and store performance data provided by the first control unit,</u>
> that includes at least one of a client request handler, a shared request object pool, or a
> server request handler, the proxy server being implemented within a De-Militarized Zone
> (DMZ) between the first enterprise network and the public network.

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[18] *See* supra, pg. 12.
[19] *See* supra, pgs. 11-12.
[20] Office Action, pg. 13.

Accordingly, the combination of Grantges and Beurket does not render obvious amended claim 12.

As articulated above, the combination of Grantges and Beurket does not render obvious amended claim 12. Accordingly, Applicants submit that amended claim 12 is allowable. As claim 13 depends directly upon amended claim 12, claim 13 is also allowable.

Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grantges in view of Beurket and Xu. Applicants amend so as to clarify the claim language. As previously stated above, amended claim 12, upon which claims 14 and 15 depend, is not rendered obvious by the combination of Grantges in view of Beurket. The addition of Xu does not make amended claim 12 obvious, as Xu teaches "a firewall penetration system for real time media communications."[21] Amended claim 12 is allowable. Given that claims 14 and 15 depend indirectly upon claim 12, claims 14 and 15 are also allowable.

Claims 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grantges in view of Devine et al. (hereinafter Devine) (U.S. Patent No. 6,968,571). Applicants amend so as to clarify the claim language. As stated above[22], amended claim 16, upon which claims 19-20 depend is not rendered obvious by Grantges. The addition of Devine does not now make amended claim 16 obvious. Devine teaches "a secure customer interface for web based data management."[23] Accordingly, amended claim 16 is not rendered obvious by the combination of Grantges in view of Devine. Given that claims 19-20 depend indirectly upon amended claim 16, claims 19-20 are also allowable.

Claims 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Grantges in view of Devine. Applicants respectfully traverse. As stated above,[24] contrary to the Examiner's assertion with respect to claim 22,[25] Grantges does not teach the method of claim 21. The

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[21] Office Action, pg. 14.
[22] *See* supra, pg. 12.
[23] Office Action, pg. 16.
[24] *See* supra, pg. 10.
[25] Office Action, pg. 16.

AMENDMENT AND RESPONSE UNDER 37 C.F.R § 1.111   Page 15
Serial Number: 10/721,753   Dkt: 1370.215US1
Filing Date: November 26, 2003
Title: SYSTEM AND METHOD FOR REMOTE MANAGEMENT OF COMMUNICATIONS NETWORKS

addition of Devine does not teach the method of claim 21, as Devine teaches "a secure customer interface for web based data management."[26] Accordingly, the combination of Grantges in view of Devine does not render claim 22 obvious.

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[26] Id.

AMENDMENT AND RESPONSE UNDER 37 C.F.R § 1.111
Serial Number 10/721,753
Filing Date: November 26, 2003
Title: SYSTEM AND METHOD FOR REMOTE MANAGEMENT OF COMMUNICATIONS NETWORKS

Page 16
Dkt 1370 215US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4057 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3rd day of November, 2008.

/ Jonathan Ferguson /

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